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Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

In re:)	In Chapter 7 Proceedings
)	
SUSAN MARIA CABRAL;)	Case No. 2:09-BK-23136-SSC
)	
Debtor.)	
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BRIAN J. MULLEN,)	
TRUSTEE,)	Adversary No. 2:10-AP-1049
)	
Plaintiff,)	
)	
v.)	
)	
SUSAN MARIA CABRAL,)	
LIANA HURLEY BLAIR)	
aka Liana H. Blair)	
aka Liana M. Blair,)	
)	
Defendants.)	
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MOTION FOR PRELIMINARY INJUNCTION

The debtor's sister has over \$100,000.00 that belongs to the bankruptcy estate. The trustee wants that money sequestered before it is spent and forever lost. Accordingly, the trustee moves this Court for the entry of a preliminary injunction. The trustee's motion is more fully set forth in and is supported by the following Memorandum Of Points and Authorities.

1 DATED June 9, 2010.

2 **TERRY A. DAKE, LTD.**

3
4 By /s/ TD009656
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6 11811 North Tatum Boulevard
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Attorney for Trustee

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 Prior to the filing of this bankruptcy case on September 17,
9 2009, the debtor had over \$100,000.00 in a bank account at Digital
10 Federal Credit Union ("DFCU") in Massachusetts. In a mortgage
11 application signed by the debtor on March 29, 2009, the debtor told
12 Countrywide Bank that the money was hers so that she could get a
13 mortgage for her new house in Fountain Hills. The debtor also reported
14 the interest income from the account on her 2008 federal income tax
15 return.

16 On April 30, 2009, \$101,258.65 was transferred from the
17 debtor's account at DFCU account to a new account at DFCU in the name of
18 the debtor's sister, Liana Blair ("Blair"). However, the signature card
19 for that newly created account shows that Blair holds the money for the
20 debtor's benefit.

21 It is obvious that this money belongs to the debtor and that
22 the debtor and her sister are playing a dangerous game with this Court.
23 That game must end.

24 In light of the foregoing, the trustee requests that the Court
25 enter a preliminary injunction sequestering the account and preventing
26 any further withdrawal of funds from the account pending the completion
27 of this litigation. Without this relief, it is entirely possible that

1 the money will be dissipated, or moved again and again, leaving the
2 trustee to chase the debtor and her sister and the money.

3 **WHEREFORE**, the trustee prays for a preliminary injunction as
4 set forth herein.

5 DATED June 9, 2010.

6 **TERRY A. DAKE, LTD.**

7
8 By /s/ TD009656
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14 Copy e-mailed June 9, 2010 to:

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